

BILL NO. S-73-04 -27

SPECIAL ORDINANCE NO. S- 58-73

AN ORDINANCE approving a contract with EARTH CONSTRUCTION for construction of a water line to be installed in Colony Heights, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Contract approved April 18, 1973, between the City of Fort Wayne by and through its Mayor and the Board of Public Works, and EARTH CONSTRUCTION, for construction of a water line to serve Colony Heights, Inc., to be constructed and installed as follows:

665+ feet of 16 inch ductile iron pipe on the north side of Tillman Road from the existing 16 inch water main at Woodlyn Drive, eastward a distance of 665+ feet, all as shown on Drawing No. M-10057, Sheet I of 1. for a total cost of \$12,168.00, of which \$11,633.00 shall be divided by the Contributor and the City, and \$535.00 being assumed by said Utility for supplying the necessary labor for inspection, pressure testing, disinfection and engineering.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Deign, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 4/24/73

Shirley W. Whitman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Talarico, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

| | AYES <u>9</u> | NAYS <u>0</u> | ABSTAINED _____ | ABSENT _____ to-wit: |
|-------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| BURNS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HINGA | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| KRAUS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MOSES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NUCKOLS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHMIDT, D. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHMIDT, V. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| STIER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TALARICO | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DATE: 5-8-73

Shirley W. Whitman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 8-58-73 on the 8th day of May, 1973.

ATTEST: (SEAL)

Shirley W. Whitman
CITY CLERK

Winfield C. Moore Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of May, 1973, at the hour of 10:00 o'clock A. M., E.S.T.

Shirley W. Whitman
CITY CLERK

Approved and signed by me this 9th day of May, 1973, at the hour of 4:30 o'clock P. M., E.S.T.

John A. Spang
MAYOR

Bill No. S-73-04-27

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a contract with EARTH CONSTRUCTION for construction
of a water line to be installed in Colony Heights, Inc.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance 88 PASS.

Paul M. Burns - Chairman

William T. Hinga - Vice-Chairman

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

DATE 5-8-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

THIS AGREEMENT, made and entered into this 18th day of April, 1973 by and between COLONY HEIGHTS, INC., hereinafter called CONTRIBUTOR and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contributor and the said Utility for the considerations herein-after named, agree as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 665± feet of 16" D. I. water main, including all necessary fittings as follows:

For furnishing all materials, equipment and labor for the installation of 665± feet of 16 inch ductile iron pipe on the north side of Tillman Road from the existing 16 inch water main at Woodlyn Drive, eastward a distance of 665± feet, all as shown on Drawing No. M-10057, Sheet 1 of 1.

2. That said water main system shall be constructed according to the standards, plans and specifications of the Utility and that said Utility shall furnish water thru said main when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this contract that the Contributor shall furnish all materials, contractual labor, and equipment for the construction of said water main through EARTH CONSTRUCTION AND ENGINEERING, INC., at a cost of Eleven Thousand Six Hundred Thirty Three and No/100 Dollars, (\$11,633.00), and that said Utility shall supply the necessary labor for inspection, pressure testing, disinfection and engineering at a cost of Five Hundred Thirty Five and No/100 Dollars, (\$535.00). Therefore, the total cost of said water main is Twelve Thousand One Hundred Sixty Eight and No/100 Dollars, (\$12,168.00). It is further understood and agreed by and between the parties of this contract that the said Contributor shall bear the cost of the water main on the basis of a six (6") inch main, the cost of which is Five Thousand Four Hundred Seventy Five and 60/100 Dollars, (\$5,475.60), and which amount is the contract price of this Agreement. Therefore, it is agreed that upon completion and acceptance of said water main system by said Utility, the Utility will pay to said Contributor's contractor the difference between the cost of materials, contractual labor and equipment as supplied by the contractor, as referred to above and the contract price of this Agreement, said difference being Six Thousand One Hundred Fifty Seven and 40/100 Dollars, (\$6,157.40).

4. The Utility may approve the extension of additional water mains from the water main covered in this contract without incurring any financial obligations to the Contributor under this contract.
5. It is further understood and agreed that, upon completion and acceptance by the Utility, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and that all rights, title and interest whatsoever, shall at all times be and remain in the City of Fort Wayne, Indiana.
6. Councilmanic Approval.

This contract, although executed on behalf of the Utility by it's Mayor and Board of Public Works, shall not be binding upon the Utility unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within sixty (60) days after the date hereof, then this contract shall be and become wholly void.

IN WITNESS WHEREOF, the parties hereto have executed this Contract, the day and year first above written.

COLONY HEIGHTS, INC.

By: [Signature]
Pres.

CITY OF FORT WAYNE, INDIANA

By: [Signature]
Ivan A. Lebenoff, Mayor

BOARD OF PUBLIC WORKS

[Signature]
[Signature]
[Signature]

ATTEST:

[Signature]
Edna I. Smith, Clerk

Approved as to Form and Legality
[Signature]

Approved by the Common Council of the City of Fort Wayne, on _____, 1973,

Special Ordinance _____

ACKNOWLEDGEMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this

16 day of April, 1977, personally appeared
the within named F. E. Schouweiler

who being by me first duly sworn upon his oath says that he is the
President

of Colony Heights, Inc.

and as such duly authorized to execute the foregoing instrument and
acknowledged the same as the voluntary act and deed of

Colony Heights, Inc.

for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official
seal.

Lyb L. Link
Notary Public

MY COMMISSION EXPIRES:

February 26, 1977

ACKNOWLEDGEMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this 18th day of April, 1973, personally appeared the within named IVAN A. LEBAMOFF, Mayor of the City of Fort Wayne; JERRY D. BOSWELL, RONALD L. BONAR and WILLIAM G. WILLIAMS, members of the Board of Public Works, City of Fort Wayne, Indiana; EDNA I. SMITH, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.



Anne J. Fox
Notary Public

My Commission Expires:

March 6, 1976

DIGEST SHEET

D-73-04-27

TITLE OF ORDINANCE Installation of a water line by Earth Construction

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Water line being installed by Earth Construction for

Conoly Heights, Inc. Utilities will provide inspection, testing, disinfecting and
pay for oversizing of line.

EFFECT OF PASSAGE New customers for Utility and lines large enough for
future expansion.

EFFECT OF NON-PASSAGE Loss of future revenue to Utility.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)
\$6,157.40 cost to Utility for oversizing.

ASSIGNED TO COMMITTEE (I.N.) *City At-Large - Lucas*

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

| | |
|--|-----------------------------|
| BILL NO. | <i>D-73-04-27.</i> |
| ORDINANCE NO. | <i>D-58-73</i> |
| REGULAR SESSION | <i>4-24-73.</i> |
| SPECIAL SESSION | |
| APPROVED AS TO FORM AND LEGALITY | <i>Yellw.</i> |
| BILL WRITTEN BY | <i>Ed. J. Public Works</i> |
| DATE INTRODUCED | <i>4-24-73</i> |
| REFERRED TO SAID STANDING COMMITTEE | <i>Burns. City Yestates</i> |
| REFERRED TO CITY PLAN | |
| LEGAL PUBLIC HEARING | |
| LEGAL PUBLICATION | |
| JOINT HEARING | |
| DEPARTMENT HEARING | |
| HOLD FILE | |
| PASS | <i>5-8-73</i> |
| DO NOT PASS | |
| WITHDRAWN | |
| SUSPENSION OF RULES | |
| PRIOR APPROVAL | |
| ORDINANCE TAKEN OUT OF OFFICE | |
| OTHER INSTRUCTIONS REGARDING ORDINANCE | |
| CORRECTIONS MADE TO ORDINANCE | |
| PEOPLE SPEAKING FOR ORDINANCE | |
| PEOPLE SPEAKING AGAINST ORDINANCE | |

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | COMMITTEE SHEET |
| <input checked="" type="checkbox"/> | VOTE SHEET |
| | PURCHASE ORDERS |
| | <i>Contract 7302</i> |
| | BIDS <i>Acknowledgment</i> |
| | ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM |
| | LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY |
| | COMMUNICATIONS FROM |
| | ZONING MAPS |
| | ABSTRACTS |
| | TITLES |
| | PRIOR APPROVAL LETTER |

Original Sub.

COUNCILMAN'S VOTE

| | <i>9</i> AYES | NAYS | ABSENT |
|------------|-------------------------------------|------|--------|
| BURNS | <input checked="" type="checkbox"/> | | |
| HINGA | <input checked="" type="checkbox"/> | | |
| KRAUS | <input checked="" type="checkbox"/> | | |
| MOSES | <input checked="" type="checkbox"/> | | |
| NUCKOLS | <input checked="" type="checkbox"/> | | |
| D. SCHMIDT | <input checked="" type="checkbox"/> | | |
| V. SCHMIDT | <input checked="" type="checkbox"/> | | |
| STIER | <input checked="" type="checkbox"/> | | |
| TALARICO | <input checked="" type="checkbox"/> | | |

COMMENTS: